

1 RENE L. VALLADARES
2 Federal Public Defender
3 State Bar No. 11479
4 BENJAMIN F. J. NEMEC
5 Assistant Federal Public Defender
6 411 E. Bonneville Ave., Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577
9 Ben_Nemec@fd.org

10 Attorney for Jobal Jay Livingston

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 Jobal Jay Livingston,
14 Appellant,
15 v.
16 United States of America,
17 Appellee.

18 Case No. 2:23-cv-01277-APG-NJK

19 **STIPULATION TO EXTEND BRIEFING**
20 **SCHEDULE**
21 (First Request)

22 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,
23 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the United
24 States of America, and Rene L. Valladares, Federal Public Defender, and Benjamin F. J. Nemec,
25 Assistant Federal Public Defender, counsel for Jobal Livingston, that the current briefing schedule
26 be vacated and extended as follows:
27

- 28 • Appellant's Opening Brief is due October 25, 2023.
29
- 30 • Appellee's Answering Brief is due November 30, 2023.
31
- 32 • Appellant's Reply Brief is due December 14, 2023.
33

1 This Stipulation is entered into for the following reasons:

2 1. This is the first request for an extension of the briefing schedule. The opening
3 brief is currently due August 30, 2023.

4 2. This case involves an appeal from a bench trial in which Mr. Livingston was
5 found guilty of one count of disorderly conduct under 38 C.F.R. § 1.218. Four witnesses
6 testified at trial. The parties also strongly disagreed about the proper interpretation of the
7 regulation, which has little governing caselaw, and the sufficiency of the evidence presented at
8 trial. Given the relative complexity of this misdemeanor appeal, an extension of time for both
9 parties' briefing is appropriate so the parties may sufficiently brief the issues.

10 3. Mr. Livingston is out of custody and does not object to this stipulation.

11 4. The parties agree to the extension.

12 DATED this 29th day of August, 2023.

14 RENE L. VALLADARES
15 Federal Public Defender

14 JASON M. FRIERSON
15 United States Attorney

17 By: Benjamin F. J. Neme
18 BENJAMIN F. J. NEMEC
19 Assistant Federal Public Defender

17 By: Imani Dixon
18 IMANI DIXON
19 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Jobal Jay Livingston,
Appellant,
v.
United States of America,
Appellee.

Case No. 2:23-cv-01277-APG-NJK

ORDER

United States of America,
Appellee.

IT IS THEREFORE ORDERED that the current briefing schedule be vacated and modified as follows:

- Appellant's Opening Brief is due October 25, 2023.
 - Appellee's Answering Brief is due November 30, 2023.
 - Appellant's Reply Brief is due December 14, 2023.

ANDREW P. GORDON, U.S. DISTRICT JUDGE
DATED: September 5, 2023